

## MINUTE ORDER

CASE NUMBER: CIVIL NO. 20-00270 LEK-RT

CASE NAME: Evan Auld-Susott et al., vs. Lauryn Galindo et al.,

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JUDGE: Leslie E. Kobayashi

DATE: 10/25/2021

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COURT ACTION: EO: COURT ORDER: VACATING THE TRIAL DATE; DENYING AS MOOT DEFENDANTS' REQUEST FOR CLARIFICATION; AND ADDRESSING WHETHER THERE ARE ANY REMAINING ISSUES IN THIS CASE

On August 18, 2021, the Order Granting Plaintiffs' Motion for Summary Judgment ("8/18/21 Order") was issued. [Dkt. no. 88.] Because of arguments that they made in subsequent filings, Plaintiffs Evan Auld-Susott, as Trustee for (1) Irrevocable Life Insurance Trust of John L. Susott and Kathryn C. Susott UAD 8/17/1988 as Restated, Exempt Trust FBO Daniel C. Susott, and (2) Irrevocable Life Insurance Trust of John L. Susott and Kathryn C. Susott UAD 8/17/1988 as Restated, Non-Exempt Trust FBO Daniel C. Susott; and John L. Susott (collectively "Plaintiffs") were directed to file a statement confirming whether or not they sought the dismissal of the portion of Count I alleged against Defendant Daniel C. Susott ("D. Susott"). [Minute Order - EO: Court Order Regarding Plaintiffs' Motion to Voluntarily Dismiss Count II of the Complaint, Filed June 12, 2020 [Dkt. 1], Without Prejudice, filed 10/5/21 (dkt. no. 105).]

On October 12, 2021, Plaintiffs filed a memorandum stating they do not seek dismissal of Count I as to D. Susott. [Dkt. no. 107.] Based on Plaintiffs' representation, the 8/18/21 Order stands as the ruling of this Court regarding Count I. The 8/18/21 Order granted summary judgment in favor of Plaintiffs as to Counts I and III. [8/18/21 Order at 23.] Count I was pled against both D. Susott and Defendant Lauryn Galindo ("Galindo" and collectively "Defendants"). See, e.g., Complaint, filed 6/12/20 (dkt. no. 1), at ¶ 32 ("Plaintiffs are entitled to judgment against Defendants in an amount to be determined at trial due to the fraudulent conveyance."). However, Count III was pled only against Galindo. See id. at ¶ 37 ("Plaintiffs are entitled to a judgment and decree converting Defendant Galindo into a trustee holder of the Property for the benefit of Plaintiffs . . ."). When the final judgment is entered, judgment will be entered: in favor of Plaintiffs and against Defendants, *i.e.*, both D. Susott and Galindo, as to Count I; and in favor of Plaintiffs and against Galindo as to Count III.

Count II has been dismissed. [Order Granting Plaintiffs' Motion to Voluntarily Dismiss Count II of the Complaint, Filed June 12, 2020 [Dkt. 1], Without Prejudice, filed 10/21/21 (dkt. no. 110).] Because there are no remaining claims in this case, the November 8, 2021 trial date and any remaining trial-related deadlines are VACATED.

In light of the above, Defendants' Request for Clarification of Various Orders, [filed 10/12/21 (dkt. no. 108),] is DENIED AS MOOT.

The Clerk's Office will be directed to enter final judgment when Defendants' Motion for Reconsideration of this Court's Order Granting Plaintiff's Application for Appointment of Trustee ("Motion for Reconsideration"), [filed 10/11/21 (dkt. no. 106),] is resolved. The Motion for Reconsideration is currently pending before the magistrate judge.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager